

TRYING TO IMPEACH DEVLIN.
PAYNE'S UNFAIR METHOD OF PROCEDURE—ATTACKING THE CONTRACTOR IN HIS ABSENCE—AN INSPECTOR'S TESTIMONY.

When the Senate Committee began its session in the City Hall yesterday, Mr. Payne, the counsel for Commissioner Thompson, desired to impeach the character of Contractor John E. Devlin by offering in evidence what he stated to be the record of his (Devlin's) conviction in some case. He said that the witness had in his testimony made serious charges against the Department, and he desired to put in a record of conviction as evidence. Mr. Whipple of the committee's counsel objected to Mr. Payne being allowed to make any such statement as highly improper. Chairman Gibbs said that in the absence of the witness he would not permit Mr. Payne to assail him. Mr. Whipple said that the charges made against Mr. Thompson by the witness were brought out on cross-examination, and were entirely different from anything brought out in the direct testimony. The charges were thereby made by Mr. Devlin while a witness for the Department, and there was no rule of law by which Mr. Payne could impeach his own witness. Mr. Payne then desired to present as evidence the affidavits of Commissioner Thompson's Deputy Commissioners Hamm, Chetek Clark Clifford and the two inspectors, denying the charges made by Mr. Devlin. They were ruled out as improper. Mr. Payne was informed that the witnesses would have to be sworn and submit to cross-examination.

Walter C. Humstone, superintendent of the Western Union Telegraph Company, testified as to the manner in which Mr. Devlin performed his work. His testimony was unimportant, as he was not personally acquainted with the details.

Issac S. Blumenthal, Superintendent of Incumbrances in the Public Works Department, was next examined. He testified that he had four inspectors under him to report upon street incumbrances. If any complaint was made of a street incumbrance it was ordered to be removed, but no action was taken unless a second complaint was sent to the department. Incumbrances were then removed unless they were authorized by a resolution of the Board of Aldermen, or by a permit from the Mayor's office. He had first discovered, about two weeks ago, that resolutions of the Board of Aldermen purporting to authorize incumbrances, had been forged and sold for \$10 each. He did not know how many such forged permits were out, but only three had been discovered by the Bureau. He did not think any officer of the Bureau had ever asked the Board of Aldermen to pass a resolution authorizing a street incumbrance. Such a resolution might have been drafted by a clerk in the Bureau to accommodate persons outside.

When Mr. Blumenthal had finished Mr. Payne rose and said: "Again ask to have sworn upon the record the affidavits of the gentlemen who have been put under a ban by the testimony of John Devlin."

Mr. Whipple—Mr. Chairman, I object to this irregular procedure.

Mr. Payne—Do you decline to hear me at all?

The Chairman—I shall decline to hear you further unless you state what you are going to talk about.

Mr. Payne—Small I take you into a side room to tell you.

The Chairman—Nor neither you nor anybody else connected with the Department of Public Works can take me into a side room.

General Lansing suggested that the Department produce its witnesses and let them be examined in regard to the matter. Harrison Palmer, one of the inspectors implicated by Mr. Devlin, was then examined by Mr. Payne. He swore that Contractor Devlin failed to obey the rules and regulations of the department from the beginning, and that was the cause of his not being allowed to continue. He made frequent complaints to the Western Union Company in regard to it. In regard to the dinner at the St. Nicholas he said that was given to the inspectors by the hotel superintendent because of some services rendered in clearing a passage for carriage in front of the hotel and that he invited Contractor Devlin to go with them to dinner. Mr. Devlin, knowing that the witness was a candidate for Alderman, told him he would send a check for his expenses; but he told Devlin that was fixed. He said in regard to the American Steam Heating Company paying his board at the Hotel Astor, that it was due to have him near the witness when going on right and day.

General Lansing then cross-examined the witness in part as follows:

Q.—Were you an inspector for the city? A.—Yes, sir.

Q.—How long did Mr. Devlin work on his contract? A.—About three months.

Q.—Did you begin to hear his work bad? A.—As soon as I began to inspect.

Q.—With that three months how many complaints did you make to the department? A.—Two.

Q.—You often were you in the department? A.—About once a week.

Q.—How long was the distance to Mr. Devlin's place of residence? A.—About one mile and a half.

Q.—Your inspection of his work was to see to the correctness of his bills, and to ascertain whether he was doing his work in accordance with the rules and regulations of the city? A.—Yes.

Q.—What was the result of your inspection? A.—He was doing his work in accordance with the rules and regulations of the city.

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